



February 8, 2008

**ENGROSSED
SENATE BILL No. 72**

DIGEST OF SB 72 (Updated February 6, 2008 3:08 pm - DI 96)

Citations Affected: IC 4-8.1; IC 5-10; IC 5-10.2; IC 5-13; noncode.

Synopsis: State officers; public employee benefits. Authorizes a special death benefit for a chaplain who: (1) is appointed or officially designated to serve a state law enforcement agency, a sheriff's department, a volunteer fire department, or a full-time police or fire department of a political subdivision; and (2) dies in the line of duty. Allows a member of the public employees' retirement fund (PERF) who: (1) is vested; (2) separates from employment; (3) does not perform service in a covered position for at least 90 days; and (4) is not eligible at separation to receive a retirement benefit; to elect to withdraw the entire amount in the member's annuity savings account. Provides that, unless the member has transferred the creditable service earned in PERF to another governmental retirement plan, a PERF member who elects to withdraw the entire amount in the member's annuity savings account is entitled to receive, when the member becomes eligible to receive a retirement benefit, a benefit equal to the pension provided by employer contributions. Provides that an individual elected treasurer of state takes office January 1 following the
(Continued next page)

Effective: Upon passage; July 1, 2008.

**Kruse, Mishler, Tallian,
Young R Michael**
(HOUSE SPONSORS — NIEZGODSKI, BUELL)

January 8, 2008, read first time and referred to Committee on Pensions and Labor.
January 24, 2008, amended, reported favorably — Do Pass.
January 28, 2008, read second time, ordered engrossed.
January 29, 2008, engrossed, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 4, 2008, read first time and referred to Committee on Labor and Employment.
February 7, 2008, amended, reported — Do Pass.

ES 72—LS 6162/DI 102+



**C
o
p
y**

individual's election. Provides that the individual elected treasurer of state at the 2006 election vests as a member of PERF if the individual is reelected as treasurer of state at the 2010 election and serves in office until January 1, 2015. Establishes 65 years of age with at least eight years of creditable service as the normal retirement age for a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies. Deletes the July 1, 2007, expiration date of a provision that authorizes the treasurer of state to make investments in certain securities that have a maturity of more than two years and not more than five years. Legalizes any such investments made after June 30, 2007. Requires a member of the teachers' retirement fund or the PERF who retires with service in more than one retirement fund to retire from the fund in which the member rendered the greatest number of years of creditable service. (Current law requires a member with service in more than one retirement fund to retire from the last fund in which the member rendered service.) Delays until after December 31, 2008, the option for a PERF member at separation to elect under certain conditions to withdraw the entire amount in the member's annuity savings account (ASA). Removes a requirement that a PERF member may elect to withdraw the entire amount in the member's ASA only if the member is not eligible at the date of termination to receive a retirement benefit from PERF. (The introduced version of this bill was prepared by the pension management oversight commission.)

C
O
P
Y



February 8, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 72

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and benefits.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-8.1-2-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. **(a) The individual**
3 **elected as treasurer of state shall take office on January 1 following**
4 **the individual's election.**

5 **(b) The treasurer of state and his the treasurer's** deputy treasurers
6 shall each give bond in an amount determined by the auditor of state
7 and the governor. The bond shall be conditioned on the faithful
8 performance of the duties as treasurer of state and deputy treasurer,
9 respectively. The bond must be procured from a surety company
10 authorized by law to transact business in this state.

11 SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.2-2007,
12 SECTION 84, AS AMENDED BY P.L.132-2007, SECTION 4, AND
13 AS AMENDED BY P.L.227-2007, SECTION 56, IS CORRECTED
14 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
15 2008]: Sec. 4. As used in this chapter, "public safety officer" means any
16 of the following:

17 (1) A state police officer.

ES 72—LS 6162/DI 102+



C
O
P
Y

- 1 (2) A county sheriff.
- 2 (3) A county police officer.
- 3 (4) A correctional officer.
- 4 (5) An excise police officer.
- 5 (6) A county police reserve officer.
- 6 (7) A city police reserve officer.
- 7 (8) A conservation enforcement officer.
- 8 (9) A town marshal.
- 9 (10) A deputy town marshal.
- 10 (11) A probation officer.
- 11 (12) A state *university, college, or junior college educational*
- 12 *institution* police officer appointed under ~~IC 20-12-3.5.~~
- 13 *IC 21-39-4.*
- 14 (13) A police officer whose employer purchases coverage under
- 15 section 4.5 of this chapter.
- 16 (14) An emergency medical services provider (as defined in
- 17 IC 16-41-10-1) who is:
- 18 (A) employed by a political subdivision (as defined in
- 19 IC 36-1-2-13); and
- 20 (B) not eligible for a special death benefit under IC 36-8-6-20,
- 21 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- 22 (15) A firefighter who is employed by the fire department of a
- 23 state university.
- 24 (16) A firefighter whose employer purchases coverage under
- 25 section 4.5 of this chapter.
- 26 (17) A member of a consolidated law enforcement department
- 27 established under IC 36-3-1-5.1.
- 28 (18) A gaming agent of the Indiana gaming commission.
- 29 (19) A person who is:
- 30 (A) employed by a political subdivision (as defined in
- 31 IC 36-1-2-13); and
- 32 (B) appointed as a special deputy under IC 36-8-10-10.6.
- 33 (20) *A gaming control officer of the Indiana gaming commission.*
- 34 **(21) An eligible chaplain who meets the requirements of**
- 35 **section 4.7 of this chapter.**
- 36 SECTION 3. IC 5-10-10-4.7 IS ADDED TO THE INDIANA CODE
- 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 38 1, 2008]: **Sec. 4.7. (a) As used in this section, "eligible chaplain"**
- 39 **means an individual who is appointed or officially designated to**
- 40 **serve, with or without compensation, as a chaplain of any of the**
- 41 **following:**
- 42 **(1) A law enforcement agency (as defined in IC 4-33-2-11.6).**

COPY



- 1 **(2) A full-time police department of a political subdivision (as**
- 2 **defined in IC 36-1-2-13).**
- 3 **(3) A full-time fire department of a political subdivision (as**
- 4 **defined in IC 36-1-2-13).**
- 5 **(4) A volunteer fire department (as defined in IC 36-8-12-2).**
- 6 **(5) A sheriff's department of a county.**

7 **(b) An eligible chaplain who dies as a direct result of personal**
 8 **injury or illness resulting from the eligible chaplain's performance**
 9 **of duties as a chaplain for the agency or department that the**
 10 **eligible chaplain was appointed or officially designated to serve is**
 11 **eligible for a special death benefit from the fund in the same**
 12 **manner as any other public safety officer is eligible for a benefit**
 13 **from the fund.**

14 SECTION 4. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2008]: Sec. 8. (a) Except as provided in subsection (b),
 17 "vested status" as used in this article means the status of having ten
 18 (10) years of creditable service.

19 (b) In the case of a person who is an elected county official whose
 20 governing body has provided for the county official's participation in
 21 the public employees' retirement fund under IC 5-10.3-7-2(1), "vested
 22 status" means the status of having:

- 23 (1) at least eight (8) years of creditable service as an elected
- 24 county official in an office described in IC 5-10.2-4-1.7;
- 25 (2) been elected at least two (2) times if the person would have
- 26 had at least eight (8) years of creditable service as an elected
- 27 county official in an office described in IC 5-10.2-4-1.7 had the
- 28 person's term of office not been shortened under a statute enacted
- 29 under Article 6, Section 2(b) of the Constitution of the State of
- 30 Indiana; or
- 31 (3) at least ten (10) years of creditable service as a member of the
- 32 fund based on a combination of service as an elected county
- 33 official and as a full-time employee in a covered position.

34 (c) In the case of a person whose term of office commences after the
 35 election on November 5, 2002, as auditor of state, secretary of state, or
 36 treasurer of state, and who is prohibited by Article 6, Section 1 of the
 37 Constitution of the State of Indiana from serving in that office for more
 38 than eight (8) years during any period of twelve (12) years, that person
 39 shall be vested with at least eight (8) years of creditable service as a
 40 member of the fund.

41 **(d) This subsection applies to an individual elected to the office**
 42 **of treasurer of state at the election on November 7, 2006. The**

C
O
P
Y



1 **individual is vested for purposes of this article if the individual is**
 2 **reelected as treasurer of state at the 2010 general election and**
 3 **serves in the office until January 1, 2015.**

4 SECTION 5. IC 5-10.2-2-8 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) For a member
 6 who retires **after June 30, 2008**, with service in more than one (1)
 7 retirement fund, the ~~last~~ retirement fund in which the member rendered
 8 **the greatest number of years of creditable** service shall pay the
 9 retirement benefits to the member. The pension shall be computed and
 10 vested status shall be determined on the basis of combined creditable
 11 service. The annuity, if any, shall be computed on the basis of amounts
 12 credited to the member in annuity savings accounts in all funds **minus**
 13 **any amount withdrawn by the member under IC 5-10.2-3-6.5.** The
 14 funds in which the employee was a member shall pay to the fund
 15 responsible for payment of benefits:

16 (1) the amount credited to ~~him~~ **the member** in the annuity savings
 17 account; and

18 (2) the proportionate actuarial cost of ~~his~~ **the member's** pension.

19 (b) A member of the Indiana state teachers' retirement fund who has
 20 served as a member of the general assembly and who retires after June
 21 30, 1980, may choose at ~~his~~ **the member's** retirement date whether to
 22 retire from the Indiana state teachers' retirement fund or from the
 23 public employees' retirement fund. If ~~he~~ **the member** chooses to retire
 24 from the public employees' retirement fund, that fund is responsible for
 25 the payment of benefits provided in IC 5-10.2-4, and the Indiana state
 26 teachers' retirement fund shall pay to the public employees' retirement
 27 fund:

28 (1) the amount credited to that member in the annuity savings
 29 account in the Indiana state teachers' retirement fund; and

30 (2) the proportionate actuarial cost of ~~his~~ **the member's** pension.

31 SECTION 6. IC 5-10.2-3-1.2 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.2. (a) A member who
 33 has earned at least ten (10) years of service in a position covered by
 34 PERF, TRF, or a combination of the two (2) funds may purchase one
 35 (1) year of service credit for each five (5) years of service that
 36 the member has completed in a position covered by PERF or TRF.

37 (b) Before a member retires, a member who desires to purchase
 38 additional service credit under subsection (a) must contribute to the
 39 fund as follows:

40 (1) Contributions that are equal to the product of the following:

41 (A) The member's salary at the time the member actually
 42 makes a contribution for the service credit.

C
o
p
y



- 1 (B) A rate, determined by the actuary for the fund, that is
- 2 based on the age of the member at the time the member
- 3 actually makes a contribution for the service credit and
- 4 computed to result in a contribution amount that approximates
- 5 the actuarial present value of the benefit attributable to the
- 6 service credit purchased.
- 7 (C) The number of years of service credit the member intends
- 8 to purchase.
- 9 (2) Contributions for any accrued interest, at a rate determined by
- 10 the actuary for the fund, for the period from the member's initial
- 11 membership in the fund to the date payment is made by the
- 12 member.
- 13 (c) The following apply to the purchase of service credit under this
- 14 section:
- 15 (1) The board may allow a member to make periodic payments of
- 16 the contributions required for the purchase of service credit. The
- 17 board shall determine the length of the period during which the
- 18 payments must be made.
- 19 (2) The board may deny an application for the purchase of service
- 20 credit if the purchase would exceed the limitations under Section
- 21 415 of the Internal Revenue Code.
- 22 (3) A member may not claim the service credit for the purpose of
- 23 computing benefits unless the member has made all payments
- 24 required for the purchase of the service credit.
- 25 (4) To the extent permitted by the Internal Revenue Code and
- 26 applicable regulations, a member may purchase service credit
- 27 under this section by a rollover distribution to the fund from any
- 28 of the following:
- 29 (A) A qualified plan described in Section 401(a) or Section
- 30 403(a) of the Internal Revenue Code.
- 31 (B) An annuity contract or account described in Section 403(b)
- 32 of the Internal Revenue Code.
- 33 (C) An eligible plan that is maintained by a state, a political
- 34 subdivision of a state, or an agency or instrumentality of a state
- 35 or political subdivision of a state under Section 457(b) of the
- 36 Internal Revenue Code.
- 37 (D) An individual retirement account or annuity described in
- 38 Section 408(a) or Section 408(b) of the Internal Revenue
- 39 Code.
- 40 (d) A member who terminates employment before satisfying the
- 41 eligibility requirements necessary to receive a monthly benefit may
- 42 withdraw the purchase amount, plus accumulated interest, after

COPY



1 submitting a properly completed application for a refund to the fund.
 2 However, the member must also apply for a refund of the member's
 3 entire annuity savings account under section 6 or 6.5 of this chapter to
 4 be eligible for a refund of the member's rollover amount.

5 (e) For a member who is a state employee, the employer may pay all
 6 or a part of the member contributions required for the purchase of
 7 service credit under this section. In that event, the actuary shall
 8 determine the amortization, and subsections (c)(1), (c)(3), (c)(4), and
 9 (d) do not apply.

10 (f) For a member who is an employee of a participating political
 11 subdivision, the employer may adopt an ordinance to pay all or a part
 12 of the member contributions required for the purchase of service credit
 13 under this section. In that event, the actuary shall determine the
 14 amortization, and subsections (c)(1), (c)(3), (c)(4), and (d) do not
 15 apply.

16 SECTION 7. IC 5-10.2-3-6.2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.2. **(a) This section**
 18 **applies to a member of the Indiana state teachers' retirement fund.**

19 **(b) A member who:**

- 20 (1) has attained vested status in the fund;
- 21 (2) has terminated employment;
- 22 (3) has not begun receiving benefits; and
- 23 (4) is transferring creditable service earned under ~~PERF~~ or TRF
 24 to another governmental retirement plan under section 1(i) of this
 25 chapter;

26 may suspend the member's membership and withdraw the member's
 27 annuity savings account to purchase creditable service in the other
 28 governmental retirement plan.

29 SECTION 8. IC 5-10.2-3-6.5 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2008]: **Sec. 6.5. (a) This section applies after**
 32 **December 31, 2008, to a member of the public employees'**
 33 **retirement fund.**

34 **(b) A member who meets all of the following requirements may**
 35 **elect to withdraw the entire amount in the member's annuity**
 36 **savings account before the member is eligible to do so at retirement**
 37 **under IC 5-10.2-4-2:**

- 38 **(1) The member has attained vested status in the fund.**
- 39 **(2) The member terminates employment.**
- 40 **(3) The member has not performed any service in a position**
 41 **covered by the fund for at least ninety (90) days after the date**
 42 **the member terminates employment.**

C
O
P
Y



1 (c) A member who elects to withdraw the entire amount in the
2 member's annuity savings account under subsection (b) shall
3 provide notice of the election on a form provided by the board.

4 (d) The election to withdraw the entire amount in the member's
5 annuity savings account is irrevocable.

6 (e) The board shall pay the amount in the member's annuity
7 savings account as a lump sum.

8 (f) Except as provided in subsection (g), a member who makes
9 a withdrawal under this section is entitled to receive, when the
10 member becomes eligible to receive a retirement benefit under
11 IC 5-10.2-4, a retirement benefit equal to the pension provided by
12 employer contributions computed under IC 5-10.2-4.

13 (g) A member who:

14 (1) transfers creditable service earned under the fund to
15 another governmental retirement plan under section 1(i) of
16 this chapter; and

17 (2) withdraws the member's annuity savings account under
18 this section to purchase the service;

19 may not use the transferred service in the computation of a
20 retirement benefit payable under subsection (f).

21 SECTION 9. IC 5-10.2-4-1.3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.3. (a) A member who
23 files an application for retirement benefits must provide the following
24 information on the application form:

25 (1) The retirement date chosen by the member.

26 (2) **If the member has not elected to withdraw the entire
27 amount in the member's annuity savings account under
28 IC 5-10.2-3-6.5**, whether the member chooses:

29 (A) an annuity purchased from the amount credited to the
30 member in the annuity savings account;

31 (B) a total or partial distribution from the annuity savings
32 account under section 2(b) of this chapter; or

33 (C) a deferral of the payment of any benefits from the annuity
34 savings account under section 2(c) of this chapter.

35 (3) The name of the beneficiary or beneficiaries designated by the
36 member with respect to the pension portion of the member's
37 retirement benefit.

38 (4) The name of the beneficiary or beneficiaries designated by the
39 member with respect to the annuity portion of the member's
40 retirement benefit, unless the member chooses total distribution
41 under section 2 of this chapter.

42 (b) A member's designation of beneficiaries in the application for

C
o
p
y



1 retirement benefits supersedes any previous designation of
2 beneficiaries by the member.

3 (c) A member must indicate the name, address, date of birth, and
4 Social Security number of each designated beneficiary and provide
5 proof of birth of each designated beneficiary.

6 (d) Each board shall adopt a form for the application for retirement
7 benefits that meets the requirements of this section.

8 SECTION 10. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only
11 to a member of the public employees' retirement fund:**

12 (1) who has served as a state officer to whom Article 6,
13 Section 1 of the Constitution of the State of Indiana applies;
14 and

15 (2) whose term of office as a state officer commenced after the
16 election held on November 5, 2002.

17 (b) A member is eligible for normal retirement after becoming
18 sixty-five (65) years of age if the member:

19 (1) has:
20 (A) served for at least eight (8) years as a state officer to
21 whom Article 6, Section 1 of the Constitution of the State
22 of Indiana applies; or

23 (B) been elected at least two (2) times and would have
24 served at least eight (8) years as a state officer to whom
25 Article 6, Section 1 of the Constitution of the State of
26 Indiana applies if the member's term of office had not been
27 shortened under a statute enacted to establish uniform
28 dates for beginning the terms of the state officers to whom
29 Article 6, Section 1 of the Constitution of the State of
30 Indiana applies; and

31 (2) is prohibited by Article 6, Section 1 of the Constitution of
32 the State of Indiana from serving in that office for more than
33 eight (8) years in any period of twelve (12) years.

34 (c) A member who:

35 (1) has served as a state officer to whom Article 6, Section 1 of
36 the Constitution of the State of Indiana applies; and

37 (2) does not meet the requirements of subsection (b);
38 is eligible for normal retirement if the member has attained vested
39 status (as defined in IC 5-10.2-1-8(a)) and meets the requirements
40 of section 1 of this chapter.

41 SECTION 11. IC 5-10.2-4-2, AS AMENDED BY P.L.62-2005,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



1 JULY 1, 2008]: Sec. 2. (a) Unless a member elects otherwise under this
 2 section **or has elected to withdraw the member's annuity savings**
 3 **account under IC 5-10.2-3-6.5**, the retirement benefit for each
 4 member consists of the sum of a pension provided by employer
 5 contributions plus an annuity provided by the amount credited to the
 6 member in the annuity savings account. **If a member has elected to**
 7 **withdraw the member's annuity savings account under**
 8 **IC 5-10.2-3-6.5, the member's retirement benefit is equal to the**
 9 **pension provided by employer contributions, unless the member**
 10 **has transferred the creditable service earned under the public**
 11 **employees' retirement fund to another governmental retirement**
 12 **plan under IC 5-10.2-3-1(i).**

13 (b) **If a member has not elected to withdraw the entire amount**
 14 **in the member's annuity savings account under IC 5-10.2-3-6.5**, a
 15 member may choose at retirement or upon a disability retirement to
 16 receive a distribution of:

17 (1) the entire amount credited to the member in the annuity
 18 savings account; or

19 (2) an amount equal to the member's federal income tax basis in
 20 the member's annuity savings account balance as it existed on
 21 December 31, 1986.

22 If the member chooses to receive the distribution under subdivision (1),
 23 the member is not entitled to an annuity as part of the retirement or
 24 disability benefit. If the member chooses to receive the distribution
 25 under subdivision (2), the member is entitled to an annuity purchasable
 26 by the amount remaining in the member's annuity savings account after
 27 the payment under subdivision (2).

28 (c) Instead of choosing to receive the benefits described in
 29 subsection (a) or (b), **if a member has not elected to withdraw the**
 30 **entire amount in the member's annuity savings account under**
 31 **IC 5-10.2-3-6.5**, a member may choose upon retirement or upon
 32 disability retirement to begin receiving a pension provided by employer
 33 contributions and to defer receiving in any form the member's annuity
 34 savings account. If a member chooses this option, the member:

35 (1) is not entitled to an annuity as part of the member's retirement
 36 or disability benefit, and the member's annuity savings account
 37 will continue to be invested according to the member's direction
 38 under IC 5-10.2-2-3; and

39 (2) may later choose, as of the first day of a month, or an alternate
 40 date established by the rules of each board, to receive a
 41 distribution of:

42 (A) the entire amount credited to the member in the annuity

C
o
p
y



1 savings account; or

2 (B) an amount equal to the member's federal income tax basis
3 in the member's annuity savings account balance as it existed
4 on December 31, 1986.

5 If the member chooses to receive the distribution under subdivision
6 (2)(A), the member is not entitled to an annuity as part of the member's
7 retirement or disability benefit. If the member chooses to receive the
8 distribution under subdivision (2)(B), the member is entitled to an
9 annuity purchasable by the amount remaining in the member's annuity
10 savings account after the payment under subdivision (2)(B). If the
11 member does not choose to receive a distribution under this subsection,
12 the member is entitled to an annuity purchasable by the entire amount
13 in the member's annuity savings account, and the form of the annuity
14 shall be as described in subsection (d) unless the member elects an
15 option described in section 7(b)(1), 7(b)(2), or 7(b)(4) of this chapter.
16 The amount to be paid under this section shall be determined in the
17 manner described in IC 5-10.2-2-3, except that it shall be determined
18 as of the last day of the quarter preceding the member's actual
19 distribution or annuitization date. However, each board may by rule
20 provide for an alternate valuation date.

21 (d) Retirement benefits must be distributed in a manner that
22 complies with Section 401(a)(9) of the Internal Revenue Code, as
23 specified in IC 5-10.2-2-1.5.

24 SECTION 12. IC 5-10.2-4-4 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The computation
26 of benefits under this section is subject to IC 5-10.2-2-1.5.

27 (b) For retirement benefits payable on and after July 1, 1975, for a
28 member retired on and after January 1, 1956, the pension (p) is
29 computed as follows:

30 STEP ONE: Multiply one and one-tenths percent (1.1%) times the
31 average of the annual compensation (aac) and obtain a product.

32 STEP TWO: To obtain the pension, multiply the STEP ONE
33 product by the total creditable service (scr) completed by the
34 member on ~~his~~ **the member's** retirement date.

35 Expressed mathematically:

$$36 p = (.011) \text{ times } (aac) \text{ times } (scr)$$

37 (c) Unless the member:

38 (1) has chosen a lump sum payment under section ~~2~~ **2(b)** of this
39 chapter; ~~or~~

40 (2) **has elected to withdraw the entire amount in the member's**
41 **annuity savings account under IC 5-10.2-3-6.5; or**

42 (3) elects to defer receiving in any form the member's annuity

C
o
p
y



1 savings account under section 2(c) of this chapter;
 2 the annuity is the amount purchasable on the member's retirement date
 3 by the amount credited to the member in the annuity savings account.
 4 The amount purchasable is based on actuarial tables adopted by the
 5 board under IC 5-10.2-2-10 at an interest rate determined by the board.

6 SECTION 13. IC 5-10.2-4-7, AS AMENDED BY P.L.149-2007,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2008]: Sec. 7. (a) Benefits provided under this section are
 9 subject to IC 5-10.2-2-1.5.

10 (b) A member who retires is entitled to receive monthly retirement
 11 benefits, which are guaranteed for five (5) years or until the member's
 12 death, whichever is later. A member may select in writing any of the
 13 following nonconflicting options for the payment of the member's
 14 retirement benefits instead of the five (5) year guaranteed retirement
 15 benefit payments. The amount of the optional payments shall be
 16 determined under rules of the board and shall be the actuarial
 17 equivalent of the benefit payable under sections 4, 5, and 6 of this
 18 chapter. **A member who has elected to withdraw the entire amount**
 19 **in the member's annuity savings account under IC 5-10.2-3-6.5**
 20 **may not select the cash refund annuity option.**

- 21 (1) Joint and Survivor Option.
- 22 (A) The member receives a decreased retirement benefit
 23 during the member's lifetime, and there is a benefit payable
 24 after the member's death to a designated beneficiary during the
 25 lifetime of the beneficiary, which benefit equals, at the option
 26 of the member, either the full decreased retirement benefit or
 27 two-thirds (2/3) or one-half (1/2) of that benefit.
- 28 (B) If the member dies before retirement, the designated
 29 beneficiary may receive only the amount credited to the
 30 member in the annuity savings account unless the designated
 31 beneficiary is entitled to survivor benefits under IC 5-10.2-3.
- 32 (C) If the designated beneficiary dies before the member
 33 retires, the selection is automatically canceled and the member
 34 may make a new beneficiary election and may elect a different
 35 form of benefit under this subsection.
- 36 (2) Benefit with No Guarantee. The member receives an increased
 37 lifetime retirement benefit without the five (5) year guarantee
 38 specified in this subsection.
- 39 (3) Integration with Social Security. If the member retires before
 40 the age of eligibility for Social Security benefits, in order to
 41 provide a level benefit during the member's retirement the
 42 member receives an increased retirement benefit until the age of

C
 o
 p
 y



- 1 Social Security eligibility and decreased retirement benefits after
2 that age.
- 3 (4) Cash Refund Annuity. The member receives a lifetime annuity
4 purchasable by the amount credited to the member in the annuity
5 savings account, and the member's designated beneficiary
6 receives a refund payment equal to:
- 7 (A) the total amount used in computing the annuity at the
8 retirement date; minus
- 9 (B) the total annuity payments paid and due to the member
10 before the member's death.
- 11 (c) This subsection does not apply to a member of the Indiana state
12 teachers' retirement fund after June 30, 2007. If:
- 13 (1) the designated beneficiary dies while the member is receiving
14 benefits; or
- 15 (2) the member is receiving benefits, the member marries, either
16 for the first time or following the death of the member's spouse,
17 after the member's first benefit payment is made, and the
18 member's designated beneficiary is not the member's current
19 spouse or the member has not designated a beneficiary;
- 20 the member may elect to change the member's designated beneficiary
21 or form of benefit under subsection (b) and to receive an actuarially
22 adjusted and recalculated benefit for the remainder of the member's life
23 or for the remainder of the member's life and the life of the newly
24 designated beneficiary. The member may not elect to change to a five
25 (5) year guaranteed form of benefit. If the member's new election is the
26 joint and survivor option, the member shall indicate whether the
27 designated beneficiary's benefit shall equal, at the option of the
28 member, either the member's full recalculated retirement benefit or
29 two-thirds (2/3) or one-half (1/2) of this benefit. The cost of
30 recalculating the benefit shall be borne by the member and shall be
31 included in the actuarial adjustment.
- 32 (d) Except as provided in subsection (c) or section 7.2 of this
33 chapter, a member who files for regular or disability retirement may not
34 change:
- 35 (1) the member's retirement option under subsection (b);
36 (2) the selection of a lump sum payment under section 2 of this
37 chapter; or
38 (3) the beneficiary designated on the member's application for
39 benefits if the member selects the joint and survivor option under
40 subsection (b)(1);
41 after the first day of the month in which benefit payments are scheduled
42 to begin. For purposes of this subsection, it is immaterial whether a

C
O
P
Y



1 benefit check has been sent, received, or negotiated.

2 (e) A member may direct that the member's retirement benefits be
3 paid to a revocable trust that permits the member unrestricted access
4 to the amounts held in the revocable trust. The member's direction is
5 not an assignment or transfer of benefits under IC 5-10.3-8-10 or
6 IC 5-10.4-5-14.

7 SECTION 14. IC 5-13-10.5-3 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as
9 provided in subsection (b), investments under this chapter may be
10 made only in securities having a stated final maturity of two (2) years
11 or less from the date of purchase.

12 (b) The treasurer of state may make investments in securities having
13 a final maturity or redemption date that is more than two (2) years and
14 not more than five (5) years after the date of purchase or subscription.
15 After an investment is made under this subsection, the total
16 investments outstanding under this subsection may not exceed
17 twenty-five percent (25%) of the total portfolio of funds invested by the
18 treasurer of state. However, an investment that complies with this
19 subsection when the investment is made remains legal even if a
20 subsequent decrease in the total portfolio invested by the treasurer of
21 state causes the percentage of investments outstanding under this
22 subsection to exceed twenty-five percent (25%). The treasurer of state
23 may contract with federally regulated investment advisers and other
24 institutional money managers to make investments under this section.
25 ~~This subsection expires July 1, 2007.~~

26 (c) Unless prohibited under federal law, the treasurer of state shall
27 invest under subsection (b) the funds of the transportation corridor fund
28 established by IC 8-4.5-3-7. The treasurer of state may invest other
29 funds held by the state in compliance with subsection (b). ~~This
30 subsection expires July 1, 2007.~~

31 SECTION 15. [EFFECTIVE UPON PASSAGE] **Actions taken**
32 **after June 30, 2007, and before the passage of this act that would**
33 **have been valid under IC 5-13-10.5-3, as amended by this act, are**
34 **legalized and validated.**

35 SECTION 16. **An emergency is declared for this act.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and benefits.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. **(a) The individual elected as treasurer of state shall take office on January 1 following the individual's election.**

(b) The treasurer of state and ~~his~~ **the treasurer's** deputy treasurers shall each give bond in an amount determined by the auditor of state and the governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must be procured from a surety company authorized by law to transact business in this state.

SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.2-2007, SECTION 84, AS AMENDED BY P.L.132-2007, SECTION 4, AND AS AMENDED BY P.L.227-2007, SECTION 56, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state ~~university, college, or junior college~~ educational institution police officer appointed under ~~IC 20-12-3-5.~~ IC 21-39-4.
- (13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

ES 72—LS 6162/DI 102+



C
O
P
Y

(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(18) A gaming agent of the Indiana gaming commission.

(19) A person who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) *A gaming control officer of the Indiana gaming commission.*

(21) An eligible chaplain who meets the requirements of section 4.7 of this chapter.

SECTION 3. IC 5-10-10-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.7. (a) As used in this section, "eligible chaplain" means an individual who is appointed or officially designated to serve, with or without compensation, as a chaplain of any of the following:**

(1) A law enforcement agency (as defined in IC 4-33-2-11.6).

(2) A full-time police department of a political subdivision (as defined in IC 36-1-2-13).

(3) A full-time fire department of a political subdivision (as defined in IC 36-1-2-13).

(4) A volunteer fire department (as defined in IC 36-8-12-2).

(5) A sheriff's department of a county.

(b) An eligible chaplain who dies as a direct result of personal injury or illness resulting from the eligible chaplain's performance of duties as a chaplain for the agency or department that the eligible chaplain was appointed or officially designated to serve is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund.

SECTION 4. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
O
P
Y



JULY 1, 2008]: Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

- (1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;
- (2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or
- (3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual is vested for purposes of this article if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015."

Page 5, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 10. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only to a member of the public employees' retirement fund:**

- (1) who has served as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and**
- (2) whose term of office as a state officer commenced after the election held on November 5, 2002.**

(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:

C
O
P
Y



(1) has:

(A) served for at least eight (8) years as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; or

(B) been elected at least two (2) times and would have served at least eight (8) years as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies if the member's term of office had not been shortened under a statute enacted to establish uniform dates for beginning the terms of the state officers to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and

(2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.

(c) A member who:

(1) has served as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and

(2) does not meet the requirements of subsection (b);

is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter."

Page 9, after line 38, begin a new paragraph and insert:

"SECTION 14. IC 5-13-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), investments under this chapter may be made only in securities having a stated final maturity of two (2) years or less from the date of purchase.

(b) The treasurer of state may make investments in securities having a final maturity or redemption date that is more than two (2) years and not more than five (5) years after the date of purchase or subscription. After an investment is made under this subsection, the total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the treasurer of state. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the treasurer of state causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%). The treasurer of state may contract with federally regulated investment advisers and other institutional money managers to make investments under this section. This subsection expires July 1, 2007.

**C
O
P
Y**



(c) Unless prohibited under federal law, the treasurer of state shall invest under subsection (b) the funds of the transportation corridor fund established by IC 8-4.5-3-7. The treasurer of state may invest other funds held by the state in compliance with subsection (b). ~~This subsection expires July 1, 2007.~~

SECTION 15. [EFFECTIVE UPON PASSAGE] Actions taken after June 30, 2007, and before the passage of this act that would have been valid under IC 5-13-10.5-3, as amended by this act, are legalized and validated.

SECTION 16. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 72 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senator Mishler be added as second author and Senator Tallian be added as coauthor of Engrossed Senate Bill 72.

KRUSE

SENATE MOTION

Madam President: I move that Senator Young R Michael be added as coauthor of Engrossed Senate Bill 72.

KRUSE

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 6, after "retires" insert "**after June 30, 2008,**".

Page 4, line 6, strike "last".

Page 4, line 7, after "rendered" insert "**the greatest number of years of creditable**".

Page 6, line 30, after "applies" insert "**after December 31, 2008,**".

Page 6, delete lines 41 through 42.

Page 7, delete line 1.

and when so amended that said bill do pass.

(Reference is to SB 72 as printed January 25, 2008.)

NIEZGODSKI, Chair

Committee Vote: yeas 7, nays 0.

C
O
P
Y

